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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF OREGON**
9 **PORTLAND DIVISION**

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11 **DAVIS WINE COMPANY**, a partnership,
12 Plaintiff,

No. 3:10-cv-00650-HU

OPINION AND ORDER

13 v.
14

15 **VINA Y BODEGA ESTAMPA, S.A.**, a
16 Chilean Company,
17 Defendant.

18 Darian A. Stanford
19 Phil Nelson
20 Jason E. Hirshon
21 SLINDE NELSON LLC
22 111 SW Fifth Avenue, Suite 1740
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24 Telephone: (503) 417-7777
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26 Of Attorneys for Plaintiff

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28 Calon N. Russell
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34 Of Attorneys for Defendant

1 **HUBEL, J.,**

2 Before the Court is defendant Vina y Bodega Estampa, S.A.'s
3 ("Estampa") motion to compel the production of documents and
4 answers to interrogatories from plaintiff Davis Wine Company
5 ("Davis Wine"). Estampa's motion concerns the following
6 interrogatories and requests for production:

- 7 • **INTERROGATORY NO. 4:** Has Davis Wine ever had any written or
8 unwritten policy(ies) for the retention or destruction of
9 documents, including but not limited to business records? If
10 unwritten please describe any such policies and the dates they
11 were in effect. (Russell Decl. Ex. G.)
- 12 • **INTERROGATORY NO. 5:** Has destruction or overwriting of
13 documents been suspended at Davis Wine? If so, on what date
14 did suspension begin? (Russell Ex. G.)
- 15 • **INTERROGATORY NO. 10:** As to the storage of data generated by
16 the users of your devices capable of storing electronic
17 information, please state whether the data are backed up on
18 tape, disk, hard drive, flash drive, server, or other media?
19 (Russell Ex. G.)
- 20 • **REQUEST NO. 4:** Any and all emails from the email address
21 dwc@daviswine.com to any agent, employee, officer, owner, or
22 representative of Estampa at any time from 2006 to the
23 present, in both native format and static images with a bates-
24 numbered identifier. (Russell Decl. Ex. B.)
- 25 • **REQUEST NO. 5:** Any and all correspondence, including emails,
26 dated January 4, 2008, sent by dwc@daviswine.com to
27 marie.chaisson@gmail.com in both native format and static
28

1 images with a bates-numbered identifier. (Russell Decl. Ex.
2 B.)

3 • **REQUEST NO. 15:** All documents pertaining to any license
4 authorizing Davis Wine Company to import wine into the United
5 States of America. (Russell Decl. Ex. B.)

6 • **REQUEST NO. 21:** All documents pertaining to any license
7 authorizing Davis Wine Company to wholesale wine in the United
8 States of America. (Russell Decl. Ex. B.)

9 • **REQUEST NO. 34:** All documents pertaining to wine bought and/or
10 wine sold by Davis Wine from 2006 to the present, including
11 but not limited to: All invoices related to Davis Wine's
12 transactions, including but not limited to transactions with
13 wineries, bottlers, distributors, wholesalers, and retailers.
14 (Russell Decl. Ex. G.)

15 • **REQUEST NO. 40:** All document from 2006 to the present relating
16 to Davis Wine's efforts to develop business and/or potential
17 business relationships with wineries, including but not
18 limited to materials related to negotiations with wineries,
19 potential sales/transactions, marketing activities, and/or
20 business development activities. Such documents shall include
21 e-mail, correspondence, and any documents related to
22 negotiations. (Russell Decl. Ex. G.)

23 • **REQUEST NO. 42:** All documents identifying Davis Wine's efforts
24 to perform and expenses incurred under the January 7, 2008
25 agreement with Estampa. (Russell Decl. Ex. G.)

26 For the reasons stated on the record at the time of oral
27 argument, all of which are incorporated herein by reference,
28 Estampa's motion (Docket No. 76) to compel is GRANTED in part and

1 DENIED in part as noted on the record and in particular, with
2 respect to Requests for Production Nos. 4 and 5, Davis Wine must
3 permit a forensic IT professional to: (1) inspect Davis Wine's
4 computer's hard drive for data associated with the January 4, 2008
5 email at issue (i.e., Word documents etc.); and (2) download and
6 analyze any email that can be recovered from Davis Wine's Hotmail
7 account concerning Estampa and/or the parties' importation
8 agreement and negotiations. (See Status Report (Docket No. 84) at
9 1-4.)

10 IT IS SO ORDERED.

11 Dated this 22nd day of August, 2012.

12 /s/ Dennis J. Hubel

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14 DENNIS J. HUBEL
United States Magistrate Judge

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